REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. The foregoing amendments are responsive to the January 8, 2007 Office Action. Applicants respectfully request entry of the requested amendments and reconsideration of the application in view of the following comments.

Response to the Claim Rejections Under 35 U.S.C § 102

Claims 1-21 and 24 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,795,905 issued to Ellison, et al. The rejection asserts that Ellison allegedly teaches each element of the claims.

The claims are directed toward **enabling operating modes of a device during device initialization** so the device operates in either only a privileged mode or in both the privileged mode and a non-privileged mode. The concept of operating in these modes is described in the specification in paragraph [0003]. There it is stated that programs operating in the privileged mode are allowed to access memory and system resources without limitation. Programs operating in the non privileged mode are restricted from accessing certain memory regions and/or device functions. The device is set during initialization so that it operates in either the privileged mode or the combination of the privileged and non-privileged mode. According to the claims, the device selects one of these modes during initialization and functions at all times in the selected mode. Thus, if the device is selects operation in only the privileged mode, the device will not operate *any* programs in the non-privileged mode. This is done on a device level, and not on a program level.

None of the prior art teaches a device that is set during initialization to operate in either one mode or the combination of modes. The Office Action asserts that Ellison teaches dual mode

operation set up during device initialization. However, Ellison teaches a device operates in a dual mode at all time. As shown in Figure 1B of Ellison, as described in column 5, lines 26-56, Ellison teaches the processor allowing some applications to operate in the isolated area and others to operate in the non-isolated area. Ellison never teaches an initialization that locks the device into one of the two modes. The office action suggests column 11, lines 25-45 teach selecting an operating mode during initialization. However, what is actually taught there is an MCH mask value and an ICH mask value which define and configure the isolated area. None of the MCH or ICH storage or processors select an operating mode during device initialization. Ellison appears to operate on a program level. Thus, some programs can operate in both the isolated area and the non-isolated area, while others operate only in the non-isolated area. Only the present application teaches setting the device to choose the operating mode during initialization.

In view of the foregoing distinctions, Applicants respectfully submit that independent Claims 1, 6, 10, 15, 20 and 24 are patentably distinguished over the cited art. Applicants respectfully submit that Claims 1, 6, 10, 15, 20 and 24 are in condition for allowance, and Applicants respectfully request allowance of Claims 1, 6, 10, 15, 20 and 24.

Claims 2-5, 7-9, 11-14, 16-19, 21-23 and 25-26 depend either directly or indirectly from one of the independent claims. Each dependent claim further defines the independent claim from which it depends. In view of the foregoing remarks regarding Claims 1, 6, 10, 15, 20 and 24, Applicants respectfully submit that Claims 2-5, 7-9, 11-14, 16-19, 21-23 and 25-26 are likewise in condition for allowance. Applicants respectfully request allowance of dependent Claims 2-5, 7-9, 11-14, 16-19, 21-23 and 25-26.

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CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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